

From: Earl Salo/DC/USEPA/US
Sent: 6/6/2012 3:24:00 PM
To: Mindy Kairis/DC/USEPA/US@EPA
CC:
Subject: Re: Request for Review of GAO HF job-: CERCLA, EPCRA, TSCA appendices

Here are comments on the CERCLA appendix.

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To: Earl Salo/DC/USEPA/US@EPA, Erik Swenson/DC/USEPA/US@EPA, Benjamin Wakefield/DC/USEPA/US@EPA, Jennifer Wills/DC/USEPA/US@EPA, Brian Grant/DC/USEPA/US@EPA
Date: 06/06/2012 12:40 PM
Subject: Request for Review of GAO HF job-: CERCLA, EPCRA, TSCA appendices

Attached below are the appendices and Q's&A's (pasted in the email below) for CERCLA, EPCRA and TSCA. Please read my previous email if you haven't done that yet. As I said in that email, you should be contacted by your clients in order to schedule a meeting on coordinating our efforts in reviewing these items. You should have all OGC comments/edits to me by **June 17th**. I will then compile and send them over to GAO on their due date of June 18th.

Please let me know if I can assist in any way.

Thanks,
Mindy

Mindy Kairis
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----- Forwarded by Mindy Kairis/DC/USEPA/US on 06/06/2012 12:35 PM -----

From: "Poling, Janice M" <PolingJ@gao.gov>
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Date: 06/06/2012 10:02 AM
Subject: Next round of appendices: CERCLA, EPCRA, TSCA

Hi Mindy,

Here are the next appendices for EPA review (CERCLA, EPCRA, and TSCA). These are all much shorter than the CAA one. We have only a few follow-up questions related to these laws (pasted at the end of this email).

As a reminder, the purpose of the appendices is to describe the Act and how it regulates oil and gas well sites and the activities that go on there, including hydraulic fracturing. The appendices are more technical and contain more detail about each Act than will be discussed in the main body of the report. We are providing these appendices significantly in advance of our exit conference (early July) to (1) provide additional time for EPA to review the material and (2) share any corrections/changes/clarifications with us **in advance of the exit. We would prefer to receive any corrections/changes/clarifications in writing (email or word document)**. This will allow us to focus the exit conference on the main body of the report.

I will respond to your email about deadlines separately, but we would very much appreciate an EPA response by June 18.

Janice

CERCLA

1. At our meeting, we believe we heard that EPA had used CERCLA section 104(e) to collect information on unconventional oil and gas activities to support the hydraulic fracturing study. However, our review of the Halliburton subpoena and the information request letters sent to hydraulic fracturing service companies and to oil and gas companies do not reflect CERCLA authorities. Please clarify.

EPCRA

1. At our last meeting officials said they were unsure to what extent hydraulic fracturing or other chemicals on oil and gas wellsites would trigger EPCRA 311 and 312 reporting requirements and agreed to provide additional information after touching base with EPA regions. What additional context can you provide? Specifically we would be interested in a few (3-5) examples of some EPCRA chemicals that are likely to be found at oil and gas well sites in quantities sufficient to trigger EPCRA 311 and 312 reporting requirements, or if EPA believes that most well sites would be unlikely to store chemicals over the triggers.

2. To what extent does the exclusion of oil and gas well sites from TRI reporting requirements impair EPA's ability to ensure communities receive needed information about chemical use and releases?

3. In the interview, EPA indicated it had a document that looks at whether thresholds for TRI reporting might be triggered at some oil and gas well sites. It was described as a 1997 Supporting document containing the screening process, and possibly estimating the number of facilities that would be affected, and it was noted that it was in the docket but hard to find. Please provide a copy of this document.

4. Can EPA provide any updated information on its consideration of oil and gas exploration and production sites for inclusion in the TRI? Are there any documents available? When does EPA expect to issue the proposed rule, or ANPRM?

5. In the 1996 proposal for the Industry Expansion Rule, EPA stated that oil and gas extraction activities "may involve the management of significant quantities of EPCRA section 313 chemicals." 61 Fed. Reg. 33588, 33592 (1996). Please identify the section 313 chemicals that are managed in significant quantities in conjunction with oil and gas extraction.

TSCA

1. Please provide a few (3-5) examples of chemicals that are commonly used in hydraulic fracturing and that are on the TSCA inventory list.

2. What is the status of EPA's response to the August 2011 Earthjustice Petition? If it is not yet released, is there a timeline for when it will be released?

3. What is the status of the ANPRM?

[attachment "APPENDIX_-_CERCLA.DOC" deleted by Earl Salo/DC/USEPA/US] [attachment "Appendix_-_TSCA.DOC" deleted by Earl Salo/DC/USEPA/US] [attachment "Appendix_-_EPCRA.DOC" deleted by Earl Salo/DC/USEPA/US]